

## EASTERN DISTRICT OF TEXAS



After careful consideration, the court concludes Plaintiff's objections are without merit. Plaintiff complains that mold in the shower and dust and lint in his assigned building caused a nasal infection for which he was prescribed an antibiotic and artificial tears. Further, Plaintiff complains of the alleged denial of access to the courts. Plaintiff's claims are insufficient to demonstrate he was in imminent danger of serious physical injury at the time he filed the complaint. *See Banos v. O'Guin*, 144 F.3d 883, 884 (5th Cir. 1998).

## O R D E R

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 6th day of February, 2013.



---

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE